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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,912	03/18/2004	Kazuyuki Seki	250530US2	5411
22850 7590 01/15/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HANNETT, JAMES M	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 01/15/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/802,912

Applicant(s)

SEKI, KAZUYUKI

Examiner

James M. Hannett

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-10, 15-17, 22-24 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 4-7, 11-14, 18-21 and 25-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/30/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/17/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/15/2007 have been fully considered but they are not persuasive. The applicant has amended every claim and has argued that the prior art does not teach these new limitations. The examiner has provided a new grounds of rejection in order to address the newly presented claims and has set forth a detailed office action below.

Therefore, Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1: Claims 1-3, 8-10, 15-17 and 22-24 are rejected under 35 U.S.C. 102(a) as being anticipated by the English translation of JP 2003-069925 Hara.

2: As for Claim 1, Hara teaches on Paragraphs [0020 and 0026] and A digital camera apparatus comprising a recorder (image data storage means) which records a plurality of informative data of items (this is viewed by the examiner as the data generated after converting the speech into text data stored in memory), as an information file, to be used in classifying and arranging image data (Paragraph 0039); a microphone (3) which inputs voices, a voice decipher (4) which deciphers a content of expression made by said voices picked up through the microphone (3), an item informative data extractor which extracts At least one of the plurality of

the informative data of the items (text data is generated from the voice recognition means and a keyword is generated and compared to keywords stored in memory), analogous to the deciphered content of the expression from the information file, and an item informative data recorder which associates the at least one of the plurality of the informative data of the items extracted by the extractor with the image data, and which records the associated at least one of the plurality of the informative data of the items (Paragraphs 0037-0039).

3: In regards to Claim 2, Hara teaches on Paragraphs [0039] further comprising an item informative datum decisively determining unit (camera) which fixedly determines the at least one of the plurality of the informative data of the items extracted (voice converted to text and then a keyword)) by the extractor (4) and wherein said item information data recorder records the at least one of the plurality of the informative data (keyword) of the item decisively determined by the item information datum fixedly determining unit. Hara teaches generating a text keyword from speech captured using a microphone and comparing the generated keywords to keywords stored in memory to enable the images to be searched based on the keywords.

4: As for Claim 3, Hara teaches in the abstract wherein said item informative datum decisively determining unit (camera) comprises a release button (2) of the digital camera apparatus, and the at least one of the plurality of the informative data of the items is decisively determined by pressing down the release button. Hara teaches that the speech is captured when the shutter button is depressed. This data is then converted into the claimed informative data and is compared to data stored in memory.

5: In regards to Claim 8, Hara teaches in the abstract which comprises a voice inputting controller (microphone controller) for effecting on/off control of inputting of the voices with said

microphone (3), and said voice inputting controller controls said on/off control of inputting of the voices in conjunction with turning on/off operation of a specific key. Hara teaches that the speech is captured when the shutter button is depressed.

6: As for Claim 9, Claim 9 is rejected for reasons discussed related to claim 8.

7: In regards to Claim 10, Claim 10 is rejected for reasons discussed related to claim 8.

8: As for Claim 15, Hara teaches on Paragraphs [0020 and 0026] a digital camera apparatus comprising a recorder (image data storage means) which records a plurality of informative data of items (this is viewed by the examiner as the data generated after converting the speech into text data stored in memory), as an information file, to be used in classifying and arranging image data (Paragraph 0039), a microphone (3) which inputs voices, an inputting unit which orders instructions; and a controller, based on instructions from said inputting unit, configured to decipher a content of expression (4) made by said voices picked up through the microphone (3), configured to extract at least one of the plurality of the informative data of the items, analogous to the deciphered content of the expression from the information file, configured to associate the at least one of the plurality of the informative data of the items extracted by the with the image data and configured to record the associated at least one of the plurality of the informative data of the items. (text data is generated from the voice recognition means and a keyword is generated and compared to keywords stored in memory) (Paragraphs 0037-0039).

9: In regards to Claim 16, Claim 16 is rejected for reasons discussed related to Claim 2.

10: As for Claim 17, Claim 17 is rejected for reasons discussed related to Claim 3.

11: In regards to Claim 22, Claim 22 is rejected for reasons discussed related to Claim 8.

12: As for Claim 23, Claim 23 is rejected for reasons discussed related to Claim 9.

13: In regards to Claim 24, Claim 24 is rejected for reasons discussed related to Claim 10.

14: As for Claim 31, Hara teaches on Paragraphs [0020 and 0026 and in the abstract] a method of controlling a digital camera apparatus, the method comprising: inputting voices through a microphone (3); converting the voices into voice data analyzing a content of expression of the voice data (speech recognition 4); comparing the analyzed content of the expression of the voice data with a plurality of informative data of items (Paragraphs 0037-0039). Hara teaches generating a text keyword from speech captured using a microphone and comparing the generated keywords to keywords stored in memory to enable the images to be searched based on the keywords. Therefore, Hara teaches the plurality of informative data of the items to be used in classifying and arranging image data and being stored in a recorder as an information file; and extracting at least one of the plurality of the informative data of the items analogous to the content of the expression from the information file according to the comparison.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15: Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the English translation of JP 2003-069925 Hara in view of US 2001/0048774 A1 Seki et al.

16: As for Claim 29, Hara teaches the use of a camera that has speech recognition that allows a user to attach a keyword to an image file using a microphone and search for an image file base

on the stored keyword. However, does not teach that the type of file the data is stored in and specifically does not teach the use of an Exif file.

Seki et al teaches on Paragraph [190] that it was advantageous to store image data in digital cameras in Exif file format since Exif file format allows meta data other than image data to be stored in the same file such as audio data captured by a microphone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the image data and speech data of Hara in an Exif file format as taught by Seki et al since Exif file format allows meta data other than image data to be stored in the same file such as audio data captured by a microphone.

17: In regards to Claim 30, Hara teaches the use of a camera that has speech recognition that allows a user to attach a keyword to an image file using a microphone and search for an image file base on the stored keyword. However, does not teach that the type of file the data is stored in and specifically does not teach the use of an Exif file.

Seki et al teaches on Paragraph [190] that it was advantageous to store image data in digital cameras in Exif file format since Exif file format allows meta data other than image data to be stored in the same file such as audio data captured by a microphone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the image data and speech data of Hara in an Exif file format as taught by Seki et al since Exif file format allows meta data other than image data to be stored in the same file such as audio data captured by a microphone.

Allowable Subject Matter

Application/Control Number:
10/802,912
Art Unit: 2622

Page 7

18: Claims 4-7, 11-14, 18-21 and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2622



JMH
January 6, 2008